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BOOK REVIEWS.

LAW AND ITS ADMINISTRATION. By Harlan F. Stone. Pp. viii, 225. New York: Columbia University Press. 1915.

In the present overhauling of our governmental and social machinery, laws and lawyers, judges and courts have come in for their share of criticism and abuse. Much of what has been said must no doubt appear to those trained in legal ways of thinking as wholly absurd and due to ignorance and misconception of the real nature of the problems. To dispel the mists of suspicion and misunderstanding by making clear to the layman "the more fundamental notions which underlie our legal system" is the purpose of *Law and Its Administration*, a book of eight chapters, delivered as the Hewitt Lectures at Columbia University by the dean of the Columbia University Law School.

In the opinion of the writer of this review, the author has succeeded admirably with a task that needed doing. He has given us an account of our legal system which is both intelligent and readable. The main concepts of the law, the philosophy underlying the law, the difficulties inherent in its administration and the relation of judges, lawyers and statesmen to the law and to each other are themes which are presented in a clear and satisfactory manner. The author's success in making this "dry as dust" subject interesting and in demonstrating its true cultural value makes his query to educators regarding the omission of law courses from the curriculum doubly pertinent. Why, indeed, should the subject of law occupy so small a place in a liberal education? After reading the book, one is also tempted to ask why other sciences could not be thus epitomized for presentation to undergraduates in liberal arts. It would do much to promote true culture.

The book does not, however, give one the impression that it will prove effective in quieting hostile criticism of the legal system. One does not feel that the author is thoroughly acquainted with present-day social philosophy, a fact which stands in his way whenever he turns to those problems which now excite public interest. He would improve the machinery of law and make it more efficient. Nearly all that he says on this is excellent, but he seems to think that nothing else is really needed. Now, admitting that changes in the direction he indicates would be important steps toward reform, it must also be admitted that the "non-expert" critic, whom the author has in mind as one to be silenced, would still remain dissatisfied. There is at present a group of men, to whom the author it would appear belongs, who have caught the gospel of efficiency, but who have not seen the vision of efficiency aiding and actively promoting new ideals. To be more efficient in doing the old things is, to say the least, cold comfort to those who have seen the inadequacy of doing some of these at all.

His attitude with respect to the position of a judge in dealing with the constitutionality of measures is illustrative of his inability to meet the just demands of the present age. He but restates the arguments of the conservatives and makes no reference to the "forward looking" decisions which have been made in recent years, particularly with reference to labor legislation. The layman knows that these can be made and no legal quibbling will make

him believe that they cannot. Are there not, too, many who will regret to learn that "unfortunately those most competent to aid in reform (that is, of legal procedure) are those who, because of professional obligations, are least able to give it their assistance" (p. 126). Not even the further statement that these must make the attempt will be apt to appease them. "Professional obligations" seems to be a euphemism for "fear of losing one's job or one's clients."

The judges' "familiarity with life" to which the author refers approvingly will likewise be taken by the layman with a grain of salt, especially if he be a Pennsylvanian knowing of judges who have sentenced men to "separate and solitary confinement at hard labor," when even a slight familiarity with the life of a prisoner would have shown the judge that the prisons were too crowded to permit of "separate and solitary confinement" and that the laws of the state permitted but few of the prisoners to work.

Why was there so little said about the changing concepts of the law, a subject in which the public is now evincing great interest? For example, is crime to be regarded in the same light as formerly? And property, too—is there nothing to be said about that?

The author sought to do two things: to give the layman an idea of the legal system, and to remove misunderstanding and hostility. He has accomplished the first, but his success with the second is doubtful.

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THE MAN IN COURT. By Frederic De Witt Wells. Pp. 283. New York: G. P. Putnam's Sons. 1917.

The bibliography of procedural reform, published by Dean Roscoe Pound in the *Illinois Law Review* for February, 1917, testifies most eloquently to professional interest in a subject which has in recent years aroused strong feeling and a great deal of intemperate criticism and comment among laymen. It is generally conceded by expert opinion that the machinery for the administration of justice is, in many jurisdictions, antiquated and is the cause of much waste of time and money, of no little injustice and of great irritation and dissatisfaction. Judge Wells points out the complexities, technicalities and maladjustments of means to end, which so often defeat the purposes of legal investigation. He presents in a series of interesting pictures, all of the well-known faults, the formalism, the sporting theory of trial, the guild control of the bar, the worship of procedure, and in many thumb-nail sketches, the human factors in the legal drama, drawn with much humor and at times with tenderness. Here we see judges, juries, attorneys, parties litigant and witnesses, all engaged in the effort to do justice and making a mess of it. It is not an inspiring picture. It is one that moves either to laughter or to tears. As presented by Judge Wells, the drama of contending human rights is played out as in a theatre—the courtroom—in which all of the persons from the judge to the doorkeeper, including the litigants and their witnesses, are the *dramatis personæ*, so that after reading the book one comes away with a sense of having attended a comic opera or a play of George Bernard Shaw. Judge Wells,